

**UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD
REGION 12**

MV TRANSPORTATION, INC.

Employer

and

Case 12-RC-9305

AMALGAMATED TRANSIT UNION,
LOCAL 1596, AFL-CIO, CLC

Petitioner

**ORDER DIRECTING HEARING ON OBJECTIONS
AND NOTICE OF HEARING**

Pursuant to a Stipulated Election Agreement approved by the undersigned on March 14, 2008, an election was conducted on April 14, 2008, among certain employees¹ of MV Transportation, Inc. (the Employer) to determine whether or not said employees wish to be represented for purposes of collective bargaining by Amalgamated Transit Union, Local 1596, AFL-CIO (the Union or Petitioner).

At the conclusion of the election the parties were served with a tally of ballots, which showed the following results:

Approximate number of eligible voters	57	
Void ballots		0
Votes cast for petitioner	42	
Votes cast against participating labor organization	5	
Valid votes counted		47
Challenged ballots		0
Valid votes counted plus challenged ballots	47	

Challenged ballots were not sufficient in number to affect the results of the election.

On April 18, 2008, the Employer filed ten Objections to the election (the Objections), and copies were served on the Union. A copy of the Objections is attached as Appendix A. I have approved the Employer's May 5, 2008, request to withdraw Objections 5 and 6 and the portion of Objection 10 reading "....and/or the NLRB...."

Pursuant to the provisions of Section 102.69 of the Board's Rules and Regulations, Series 8, as amended, an investigation of the issues raised by the remaining Objections has been conducted under the direction and supervision of the undersigned. The parties having been afforded an opportunity to present

¹ The unit consists of all full-time, regular part-time and on-call bus operators employed by the Employer at its facility located at Orlando International Airport, Orlando, Florida, excluding all office clerical employees, dispatchers, guards and supervisors as defined in the Act.

evidence on the issues, and all evidence having been considered, the undersigned concludes that the evidence regarding the remaining Objections raises substantial and material issues of fact which can best be resolved by a hearing.

ORDER

Having concluded that the evidence developed by the investigation of remaining Objections raises substantial and material issues of fact which can best be resolved by a hearing, the undersigned, pursuant to vested authority and in conformance with the Board's Rules and Regulations, HEREBY ORDERS that commencing on May 14, 2008 at 10:00 a.m. at the Orlando Public Library, 101 East Central Boulevard, Orlando, Florida, and continuing on consecutive business days until completed, a hearing shall be held before a duly designated Hearing Officer, for the purpose of receiving evidence to resolve the issues raised with respect to Objections 1 through 4 and 7 through 9 and the remaining portion of Objection 10, at which time the parties may appear in person or otherwise and present testimony.

IT IS FURTHER ORDERED that upon the conclusion of the hearing, the Hearing Officer designated for the purpose of conducting the hearing shall prepare and cause to be served on the parties a report containing resolutions of the credibility of witnesses, findings of fact and recommendations to the Board as to the disposition of the Objections. Within 14 days from the issuance of said report, any party may file with the Board in Washington, D.C. an original and seven copies of exceptions thereto. Immediately upon filing such exceptions, the party filing same shall serve a copy thereof on the other parties and on the undersigned Regional Director. If no exceptions are filed, the Board may, as is customary, adopt the recommendations of the Hearing Officer.

DATED at Tampa, Florida this 7th day of May, 2008.

Rochelle Kentov, Regional Director
National Labor Relations Board, Region 12
201 East Kennedy Blvd., Suite 530
Tampa, Florida 33602-5824

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DATE OF MAILING May 8, 2008

AFFIDAVIT OF SERVICE OF ORDER DIRECTING HEARING ON OBJECTIONS AND CHALLENGES, AND NOTICE OF

HEARING

I, the undersigned employee of the National Labor Relations Board, being duly sworn, depose and say that on the date indicated above I served the above-entitled document(s) by Facsimile and regular mail upon the following persons, addressed to them at the following addresses:

Served by Facsimile and regular mail

Ruby Martin, Manager
MV Transportation
8200 Casa Verde Road
Orlando, FL 32827

Paul Wilson, Local President/Business Agent
Amalgamated Transit Union, Local 1596, AFL-CIO, CLC
8000 S. Orange Avenue, Suite 106
Orlando, FL 32809

Arturo Ross, Esq.
Littler Mendelson, RC
1 Biscayne Tower
2 Biscayne Blvd., Ste. 1500
Miami, FL 33131

Paul Wilson, Local President/Business Agent
Amalgamated Transit Union, Local 1596, AFL-CIO, CLC
3431 Brentwood Drive
Orlando, FL 32808

Subscribed and sworn to before me this 7th day
of May, 2008.

DESIGNATED AGENT

NATIONAL LABOR RELATIONS BOARD